

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOINT SUBMISSION OF THE PARTIES UNDER L.R. 116.5(C)

Pursuant to Local Rule 116.5(C), the parties state as follows:

(1) Outstanding Discovery

There are no outstanding automatic discovery issues not yet presented to or resolved by the Court.

(2) Additional Discovery

The parties do not anticipate providing any additional discovery, aside from discovery required to be produced at a later date pursuant to the Local Rules governing discovery and Fed. R. Crim. P. 16.

(3) Insanity or Public Authority Defenses

Defendant does not intend to raise a defense of insanity or public authority.

(4) Notice of Alibi Defense

The government has requested notice of alibi, and defendant does not intend to offer an alibi defense.

(5) Motions Requiring Ruling by District Court

There are no further motions requiring a ruling by the District Court known to the parties at this time.

(6) Scheduling

No other matter requires scheduling by the court.

(7) Plea Negotiations

The defendant is awaiting medical records that he may used during the course of any sentencing in this matter. The parties have conducted plea negotiations, and the discussions are continuing.

(8) Periods of Excludable Delay

In addition to the periods previously excluded by this Court's orders dated December 3, 2003; January 13, 2004; March 3, 2004; March 17, 2004; April 7, 2004; May 4, 2004; May 27, 2004; June 30, 2004; July 21, 2004; August 31, 2004; October 6, 2004; and November 17, 2004 there are thirteen (13) days of non-excludable time under the Speedy Trial Act (December 31, 2003 to January 12, 2004). There are fifty-seven (57) days remaining under the Speedy Trial Act within which this case must be tried.

The parties also hereby request that the period of time between today's status conference, December 20, 2004, and the date of any subsequent status conference be excluded from the calculations of the Speedy Trial Act, in the interests of justice.

(9) Anticipated Length of Trial

It is anticipated that a trial will last one week.

Respectfully submitted,

PAGE KELLEY, Esquire

MICHAEL J. SULLIVAN
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s/ Page Kelley

for defendant HABEEB AZEEZ

By: s/ Glenn A. MacKinlay
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